



9. Failure to comply with the terms of this Stipulation and Consent Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a) (2005).

10. This Stipulation and Consent Order shall be presented to the Commission in closed session by the prosecuting attorney and/or Commission staff. Respondent waives any right of notice of this meeting or any right which the Respondent might have to participate in the discussion of this Stipulation and Consent Order among the Commission, the Commission staff and the prosecuting attorney.

11. This Stipulation and Consent Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members. In the event that this Stipulation and Consent Order is rejected by the Commission it shall be of no force or effect to either party.

**THEREFORE IT IS ORDERED** that the Respondent is **Reprimanded**.

**IT IS FURTHER ORDERED** that the Respondent shall pay a civil penalty in the amount of \$500 within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission and come under a cover letter addressed to the Commission's Executive Officer and refer to case 05-120.

**IT IS FURTHER ORDERED AND AGREED** that at all future times Respondent shall fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

**FOR THE RESPONDENT:**

This Stipulation and Consent Order is voluntarily entered into by **John M. Hinn** on this 31<sup>st</sup> day of JAN., 2006.



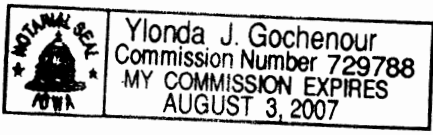
**John M. Hinn**, Respondent

State of Iowa  
County of Des Moines

Signed and sworn to before me on this 31 day of January, 2006, by



Notary Public, State of Iowa  
Printed Name: Ylonda J. Gochenour  
My Commission Expires: August 3, 2007



**FOR THE COMMISSION:**

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 2<sup>nd</sup> day of MARCH, 2006.



**James E. Hughes**, Chair  
Iowa Real Estate Commission

BEFORE THE IOWA REAL ESTATE COMMISSION  
1918 SE HULSIZER  
ANKENY, IOWA

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<b>IN RE:</b>	)	<b>CASE NUMBER: 05-120</b>
	)	
<b>John M. Hinn</b>	)	<b>STATEMENT</b>
<b>Broker (B11296)</b>	)	<b>OF</b>
	)	<b>CHARGES</b>
DOWDEN-HINN REALTY	)	
2916 US HWY 71	)	
SPIRIT LAKE, IA 51360	)	

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The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (2001, 2003).

Licenses issued by the Commission are subject to the laws of the state of Iowa and to the administrative rules of the Commission.

**John M. Hinn** was at all material times, during the following events, a licensed Broker / Officer with Dowden-Hinn Realty, a licensed real estate firm (F02033), in Spirit Lake, Iowa. His license, number B11296 in full force and effect through 12-31-2005.

COUNT I

The Respondent engaged in a practice which is harmful or detrimental to the public by failing to adequately supervise a licensee in his employment by permitting said licensee to advertise in a manner that is misleading to the public, in violation of Iowa Code sections 543B.29(3) and (7), 543B.34(1) and (3)(2001), and IAC 193E- 7.11, 193E-10.1(1) (2) and (3) .

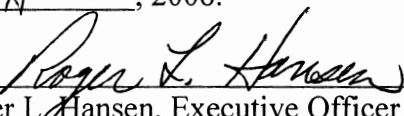
#### CIRCUMSTANCES OF THE COMPLAINT

1. Prior to August 23, 2005, a licensee, employed by the Respondent, designed and distributed a flyer showing the number of residential properties sold in the Lake Okoboji area from 2002 through 2005 to date. The flyer, as designed, makes it appear as though the licensee named in the flyer was responsible for the sale of all of these properties, which was not the case.
2. The same licensee mentioned in number 1 above listed a property located at 2722 Okoboji Blvd, West Okoboji, Iowa, and permitted a sign to be placed on the property showing the business phone number for the licensee only, and no agency designation.
3. The Respondent in this matter is a broker/officer, and employer in charge of the licensee in this matter.

#### FINDING OF PROBABLE CAUSE

On December 14, 2005, the Iowa Real Estate Commission found probable cause to file this Statement of Charges and to order that a hearing be set in this case.

Executed this 2<sup>ND</sup> day of MARCH, 2006.

  
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Roger L. Hansen, Executive Officer  
Iowa Real Estate Commission